

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2068 – SB 2005

February 26, 2018

SUMMARY OF ORIGINAL BILL: Creates criminal offenses relating to the marketing of alcohol and drug treatment services, including a class A misdemeanor offense, a class E felony offense, and a class D felony offense. Requires alcohol and drug treatment service providers to obtain a license from the Department of Mental Health and Substance Abuse Services (DMHSAS) and to maintain an office in this state.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue - \$60,000/FY18-19
\$75,000/FY19-20 and Subsequent Years

Increase State Expenditures – Less Than \$235,100/FY18-19
Less Than \$247,500/FY19-20 and Subsequent Years

SUMMARY OF AMENDMENT (013793): Deletes the provision that requires alcohol and drug treatment service providers to obtain a license from the Department of Mental Health and Substance Abuse Services (DMHSAS) and to maintain an office in this state.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- The proposed legislation creates three new felony offenses and four new class A misdemeanor offenses. The proposed legislation may result in additional misdemeanor convictions, but will not significantly impact local incarceration costs.
- There will not be a sufficient number of class A misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- The proposed legislation creates a class E felony offense and a class D felony offense for violation of certain prohibitions by an alcohol and drug treatment facility. Alcohol and drug treatment facilities are licensed and regulated under Title 33 of the Tennessee Code Annotated. Title 33 contains various felony offenses relative to the treatment of person.

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- Statistics from the Department of Correction (DOC) show no admissions over the last 10 years for violations under Title 33. The proposed legislation is not expected to increase admissions into DOC custody.
- Doctor and other health professionals are licenses and regulation under Title 63 and Title 68. Title 63 contains various felony offenses for the unauthorized practice of medicine.
- Statistics from the DOC shows no admissions over the last 10 years for violations under title 63. The proposed legislation is not expected to increase admissions into DOC custody.
- The proposed legislation will not significantly impact state incarceration costs.
- Based on information provided by the DMHSAS, the proposed legislation will not have a significant impact on procedures or processes of the DMHSAS; therefore, any fiscal impact is estimated to be not significant.
- Based on information provided by the Department of Health (DOH), the proposed legislation will not have a significant impact on the procedures and processes of the health related boards or the DOH; therefore, any fiscal impact is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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